



August 11, 2016

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: NOTICE OF EX PARTE
GN Docket No. 14-28: *Protecting and Promoting the Open Internet*

Dear Ms. Dortch:

On August 9, 2016, Rebecca Murphy Thompson, Jaqueline Pateguana, and I, on behalf of Competitive Carriers Association (“CCA”), met with Mark Stone, Kurt Schroeder and Jerusha Burnette of the Federal Communications Commission (“FCC”) Consumer and Governmental Affairs Bureau (“CGB”). CCA and CGB discussed CCA’s questions and concerns with respect to the recently released Consumer Labels for Broadband Services (the “Label”), which may serve as a safe harbor for enhanced transparency disclosures required by the 2015 Open Internet Order.¹

CCA represents many wireless carriers that fall under the small provider exemption established by the 2015 Open Internet Order, which relieves these carriers of the enhanced transparency disclosure requirements.² CCA noted that the Label requires disclosure of information that exempt small carriers are not required to provide, like granular pricing details and packet loss. Accordingly, exempt carriers are unlikely to use the label and therefore are left without a safe harbor. Businesses of all sizes, but especially smaller carriers with personal connections to their customers, place a premium on transparency and certainty, and exempt carriers should not be excluded from the certainty of compliance afforded by a safe harbor.

¹ *Consumer and Governmental Affairs, Wireline Competition, and Wireless Telecommunications Bureaus Approve Open Internet Broadband Consumer Labels*, Public Notice, GN Docket No. 14-28 (rel. Apr. 4, 2016); *see also Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, ¶ 154-81 (2015) (“2015 Open Internet Order”).

² *See* 2015 Open Internet Order at ¶ 24 (exempting providers with 100,000 or fewer subscribers); *see also Consumer and Governmental Affairs Bureau Seeks Comment on Small Business Exemption from Open Internet Enhanced Transparency Requirements*, Public Notice, GN Docket No. 14-28, 30 FCC Rcd 6409 (2015) (clarifying the exemption from the enhanced transparency requirements applies to providers with 100,000 or fewer broadband connections).

CCA urged the Commission to more carefully consider the needs of small carriers moving forward, especially with respect to important compliance backstops like safe harbors, as well as consumer-facing disclosure frameworks which may impact a carrier's relationship with its customers.

This letter is being filed electronically, in accordance with Section 1.1206(b), for inclusion in the record in the above-referenced proceedings.

Respectfully submitted,

/s/ Elizabeth Barket

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